



## Livestock Facility Siting

# ***Livestock Facility Siting Monthly Report – September 2006***

### **Program Highlights and Accomplishments**

- The department has completed its interviews for a livestock facility siting program manager, and will make a hiring decision.

### **Review Board Activities**

- The Board will issue forms to ensure compliance with its procedures and legal requirements, including a form that an aggrieved person can use to request review of a local decision.
- The Board cancelled its pre-scheduled August meeting because no cases were pending.

### **Information and Outreach**

DATCP continues with its extensive information and outreach effort. The department is working to expand its training and education efforts beyond training on the implementation of the law and rule at the local level.

### **Local Government Education**

- Provided information to the Northwest Regional Planning Commission concerning modification of the DATCP planning guide for current use by area towns. .
- Accepted invitation from the Wisconsin County Code Administrators to present an update on the on the siting law at their November 2006 fall conference.
- Made presentation in Green County at a joint meeting of the LCC and zoning committee.
- Answered a list of questions from Calumet County Zoning Department.
- Provided assistance in applying model zoning ordinance to Barron County.
- Resolved questions relating to licensing model ordinance for Douglas County
- Responded to inquiries from Manitowoc County.
- Answered questions from the Town of Wayne in Washington County.
- Worked with Town of Marshfield, Fond du Lac County on issues related to the adoption of a licensing ordinance.
- Responded to questions from Racine County.
- Interacted extensively with Adams County Zoning Department to revise zoning ordinance.
- Accepted invitation to attend a special meeting on September 20th in the Town of Freedom on issues surrounding the siting of new or expanding CAFO's in the Town of Freedom and/or



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Outagamie County. Some of these issues include: new livestock siting rules, controlling through local ordinance and county zoning, manure storage and handling, feed storage and handling, runoff management, costs of regulation, fees, etc.

### **Producer and Consultant Education**

- Provided assistance and material to Wisconsin Pork Producers to prepare for presentation on the law.
- Provided information to RSV Engineering, Inc., a firm providing assistance to towns in Jefferson, Rock and Dane Counties.
- Plan to develop a more detailed strategy for outreach and support targeted at producers.

### **Ordinance Modification and Development**

The department will develop systematic approach to track ordinance modifications following the November 1<sup>st</sup> deadline. The list of local government actions in this report is only a partial list of the actions being considered statewide. There are likely other counties and towns that are examining their options under the siting law and rule.

### **Ordinance action formally taken**

- Town of Lowville, Columbia County, adopted a licensing ordinance.
- Lafayette County has issued a special exception permit under the County's exclusive agricultural zoning ordinance for the ethanol plant, feedlot, and manure digester proposed in the Town of Belmont.

### **Considering ordinance modifications or adoption**

- See below

### **Issues and Implementation Challenges**

#### **Ordinance modifications**

There are a number of challenges and issues related to the implementation of the law and rule, including:

- Town of Marshfield in Fond du Lac County is working on adoption of a licensing ordinance. They have some serious concerns about the maximum setbacks in ATCP 51 of 100 feet for livestock structures from property lines and road right-of-ways and 350 feet for waste storage structures from property lines and road rights of ways. Their concern is that these are not reasonable setback distances. Additionally, they have a concern about continuing to allow flush systems for



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operations. Although the town recognizes that these systems receive the highest odor generation number, the odor produced through this type of management is still significant and should not be allowed. They have a specific issue in Fond du Lac County with an operation in Calumet Township.

- Adams County is working on modification of its zoning ordinance to incorporate the siting standards. The county is weighing the pros and cons of grandfathering its threshold for conditional use permits (feedlots and poultry operations involving more than 25 animal units per acre). County staff is also considering ways to increase setback requirements for proposed livestock facilities that border incompatible zoning districts and subdivisions.

### **More Stringent Standards**

WCA has obtained legal opinion on public health and safety which will help counties resolve issues related to exclusionary zoning and the imposition more stringent standards. A copy of which is attached.

### **Applications and Actions**

None.

### **Siting Standards**

None.

### **Research and Grant Activities**

#### **Conservation Innovation Grant**

Wisconsin's Dairy and Livestock Air Emission/Odor Project. The department is in the process of entering into contracts with the 6 producers selected from Clark Dunn, Kewaunee, Manitowoc, Monroe Waupaca Counties. The contracts will provide about \$360,000 in funds for installation of the following practices designed to reduce air emissions and odors from the livestock operations: anaerobic manure digesters, manure storage covers (geo-textile and organic), animal lot improvements, solids separation and aeration. Landowners will contribute about \$280,000 to these projects. The department also will establish odor sampling protocols to evaluate these projects.